

The Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana aur Viniyaman) Adhiniyam, 2001

Act 2 of 2001

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CHHATTISGARH NIJI KSHETRA VISHWAVIDYALAYA (STHAPANA AUR VINIYAMAN) ADHINIYAM, 2001

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CHHATTISGARH ADHINIYAM
(No. 2 of 2001)

THE CHHATTISGARH NIJI KSHETRA VISHWAVIDYALAYA (STHAPANA AUR VINIYAMAN) ADHINIYAM, 2001

A Vidheyak to provide for establishment of self financed Private Universities for imparting Higher Education and to regulate their functions and for matters connected therewith or incidental thereto.

An Act it enacted by the Chhattisgarh legislature in the Fifty-second Year of the Republic of India as follows :

Short title, extent and commencement.

1. (1) This Adhiniyam may be called the Chhattisgarh niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2001 (No.2 of 2001).
   (2) It extends to the whole of Chhattisgarh.
   (3) It shall come into force on such a date as the State Govenment may, by notification, appoint.

Definitions.

2. In this Adhiniyam, unless the context otherwise requires-
   (a) "Ordinance" means an Ordinance of the University ;
   (b) "Sponsoring Body" in relation to a University means-
      (i) a society registered under the Madhya Pradesh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973);
      (ii) any Public Trust ; or
      (iii) a Company registered under Section 25 of the Companies Act, 1956 (No. 1 of 1956) ;
   (c) "Statute" means a Statute of the University ;
   (d) "University" means a University established under sub-section (1) of Section 5.

Objects of the University

3. The objects of the University shall be-
   (1) to provide instructions, teaching and training in Higher Education and make provisions for research, advancement and dissemination of knowledge ;
   (2) to create higher levels of intellectual abilities ;
   (3) to establish state of the art facilities for education and training ;
   (4) to carry out teaching and research and offer continuing education programmes ;
   (5) to create centres of excellence for research and development and for sharing knowledge and its application ;
   (6) to provide consultancy to the industry and public organizations ;
   (7) to establish main campus in Chhattisgarh and to have study centres at different places in India and other countries;
   (8) to establish examination centres;
   (9) to institute degrees, diplomas, certificates and other academic dis-

tinctions on the basis of examination, or any other method of evaluation ;

(10) to pursue any other objective as may be approved by the State Government.

(11) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE/NCTE/UGC/MCI and Pharmacy Council etc.

Proposal for establishment of the University.

4. (1) An application containing the Project Report to establish. A University for carrying out any or all of the objects enumerated in section 3 of this Adhiniyam shall be made to the State Government by the Sponsoring Body along with such fee as may be prescribed.

(2) The Project Report shall contain the following particulars, namely-

(a) the objects of the University along with the details of the Sponsoring Body ;

(b) the extent and the status of the University and the avaliability of land ;

(c) the nature and the type of programmes of study and research to be undertaken in the University during a period not less than the next five years.

(d) the nature of faculties, courses of study and research proposed to be started ;

(e) the campus development such as building, equipment and structural amenities;

(f) the phased outlays of capital expenditure for a period not less than the next five years ;

(g) the item-wise recurring expenditure, sources of finance and estimated expenditure for each student ;

(h) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to the Sponsoring Body and other sources ;

(i) the schme for the generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University, and other anticipated incomes ;

(J) the details of expenditure on unit cost and the extent of concessions or rebates in fee or freeship and scholarship for students belonging to the Scheduled Tribes and Scheduled Castes, belonging to economically weaker sections, in lieu of land grants if any, from the State Government, subject to the condition that the number of students getting concessions and freeships or scholarships shall not be less than twenty two and one half percent of the total number of seats. The proposed fee structure shall also indicate the rationale for the varying rates of fee that would be levied on non resident Indians and students of other nationalities ;

(k) the years of experience and expertise in the concerned disciplines at the command of the Sponsoring Body as well as the financial resources.

(l) the system to select students for admission to the courses of study at the University ;

(m) such other details as may be prescribed by rules framed under this Adhiniyam.

(3) The State Government, on receipt of the Project Report shall make such enquiry as it may deem necessary within forty five days from the date of submission of the Project Report.

(4) If the State Government is satisfied with the proposal to establish the University, it may, subject to such conditions as may be specified, accord the sanction for the same.

Establishment of the University.

5. (1) The State Government may by notification in the Gazette establish a University by such name and with such jurisdiction and location of campus as may be specified therein having regard to-

(a) the desirability to establish a University ;

(b) recognition or authorisation as may be required under any other law for the time being in force to conduct the syllabus and to grant degrees or diplomas or awards.

(2) Every notification issued under sub-section (1) shall be laid on the table of the Legislative Assembly.

Incorporation of the University.

6. (1) Every University established under sub-section (1) if Section 5 shall be a body corporate by the name notified under the said section having perpetual succession and a common seal, and may sue or be sued by the said name.

(2) The University established under sub-section (1) of Section 5 may, with the prior approval of the State Government, affiliate any college or other institution or set up more than one campus.

General Fund.

7. Every University, shall establish a fund which shall be called the General Fund to which shall be credited the following namely :-

(a) fees and other charges received by the University ;

(b) any contributions made by the Sponsoring Body ;

(c) any income received from consultancy and other work undertaken by the University in pursuance of its objectives ;

(d) trusts, bequests, donations, endowment and any other grants ;

(e) all other sums received by the University.

Application of General Fund.

8. The General Fund shall be used for one or more of the following objects, and in the following order, namely :-

(a) the repayment of debts including interest charges there to incurred by the University for the purposes of this Adhiniyam and the Statutes, and the Ordinances and Regulations made thereundar ;

(b) the upkeep of the assets of the University ;

(c) the payment of the cost of audit of the funds created under section 7 ;

(d) the meeting expenses of any suit or proceedings to which University is a party ;

(e) the payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff, and payment of any Provident Fund contributions, gratuity and other benefits to any such officers and employees, members of the teaching and research staff ;

(f) the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, Academic Council, and other authorities so declared under the Statutes of the University and of the members of any Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Adhiniyam, or the Statutes, or the Ordinances or the Regulations made thereunder ;

(g) the payment of fellowships, free-ships, scholarships, assistantships and other awards to students belonging to economically weaker sections of the society or research associates or trainees as the case may be; or to any student otherwise eligible for such awards under the Statutes, Ordinances or Regulations of the University under the provisions of this Adhiniyam ;

(h) the payment of any expenses incurred by the University in carrying out the provisions of this Adhiniyam, and the Statutes, the Ordinances or the Regulations made thereunder ;

(i) the payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the Sponsoring Body for setting up the University and the investments made therefor ;

(j) the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Adhiniyam, and the Statutes, Ordinances and the Regulations made there under ;

(k) the payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the University on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University.

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total nonrecurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management.

Provided further that the General Fund shall be applied for the objects specified under clause (a) with the prior approval of the Governing Body of the University.

University to be self financed.

9. The University shall not be entitled to receive any grant or other financial

assistance from the Central Government, any State Government or any other authority, except for the purposes of ;

(i) meeting in full or in part any amount towards the fee otherwise payable by students belonging to the socially disadvantaged or economically weaker sections ;
(ii) conducting any study for research purposes, including for the purpose of instituting any faculty for furthering research.

10. The State Government may make available land for setting up the University on such terms and conditions as may be prescribed. Land to the made available State Government.

11. (i) The University shall be open to all persons of either sex and of every caste, creed, religion, race, or class or place of domicile and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or any profession in order to entitle him to be appointed as a Teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate there at or to enjoy or exercise any privilege thereof: University open to all classes, castes and creed.

(ii) Notwithstanding any thing contained in clause (i) the University shall make special provisions for the employment or profession of educational interests of women, persons with disability or of persons beloging to the weaker sections of the society and in particular of the scheduled Castes and Scheduled Tribes and Other Backward Classes as may be directed by the State Government from time to time.

12. The following shall be offcers of University, namely :- Officers of the University.
(1) The Visitor ;
(2) The Chancellor ;
(3) The Vice-chancellor ;
(4) The Registrar;
(5) The Chief Finance and Accounts Officer;
(6) Such other officers as may be declared by the Statutes to be the officers of the University;

13. (1) The Governor of Chhattisgarh shall be the Visitor of the University. Visitor.
(2) The Visitor shall, when present, preside at the convocation of the University for conferring degrees and diplomas.
(3) The Visitor shall have the following powers namely :-
(a) To call for any paper or information relating to the affairs of the University.
(b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Adhiniyam, Regulations. Ordinances or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued

shall be complied with by all the concerned.

Chancellor.

14. (1) The Chanceller shall be appointed by the sponsoring body for a period of three years, with prior approval of the Visitor by following such procedure and on such terms and conditions as may be prescribed by the Statutes.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall preside at the meeting of the governing body and shall, when the Visitor is not present, preside at the convocation of the University for conferring degrees or diplomas.

(4) The Chancellor shall have the following powers, namely :-

(a) To call for any information or record ;

(b) To appoint the Vice-chancellor;

(c) To remove the Vice-chancellor ;

(d) Such other powers as may be prescribed by the statutes.

Vice-chancellor.

15. (1) The Vice-chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Governing body and shall subject to provision contained in Section 3/4 (7) hold office for a term of four years. Provided that, after expiration of the term of 4 years the Vice-chancellor shall be eligible for re-appointment for another term not exceeding four years.

(2) The Vice-chancellor shall be the principal executive and academic officer of the University and shall exercise general superintendences and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) The Vice-chancellor shall preside at the convocation of the university in the absence of both, the Visitor and the Chancellor ;

(4) If in the opinion of the Vice-chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Adhiniyam, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter ;

Provided that if in the opinion of the concerned authority such action should not have been taken by the Vice-chancellor then such case shall be referred to the Chancellor whose decision thereon shall be final.

Provided further that where any such action taken by the Vice-chancellor affects any person in the service of the University such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Management and the Board of Management may confirm or modify or reverse the action taken by the Vice-chancellor.

(5) If in the opinion of the Vice-chancellor any decision of any authority of the University is outside the powers conferred by this Adhiniyam, Stat-

utes or Ordinances or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within seven days from the date of his decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(6) The Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed by statutes or the ordinances.

(7) If any time upon representation made or otherwise and after making such enquiries as may be deemed necessary. The chancellor by an order in writing stating the reasons therein, may ask the vice-chacellor to relinquish his office as from such date as may be specified in the order.

16. (1) The appointment of the Registrar shall be made in such manner as may be prescribed by the First Statute. Registrar.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.

17. (1) The appointment of Chief Finance and Accounts Officer shall be made in such a manner as may be prescribed by the Statutes. Chief Finance and Accounts Officer.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

18. The manner of appointment of other officers of the University shall be prescribed by the Statutes. Other Officers.

19. (1) The following shall be the authorities of the University, namely :- Authorities of University. Governing Body.

(1) The Governing Body ;
(2) The Board of Management ;
(3) The Academic Council ; and

(3) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The Governing Body of the University shall consist of the following, namely :- Govrning Body.

(a) The Chancellor
(b) Vice-chancellor
(c) Three persons nominated by the Sponsoring Body ;
(d) One representative of the State Government ;
(e) an educationist of repute to be nomitated by the state Government ;
(f) One academician to be nominated by the Visitor.

(2) The Chancellor shall be the Chairman of the Governing Body.

(3) The Governing body shall be the supreme authority of the University

and shall have the following powers, namely :-

(a) to review the decisions of other authorities of the University in case they are not in conformity with this Adhiniyam, Rules, Statutes or Ordinances ;

(b) to approve the budget and annual report of the University ,

(c) to lay down the extensive policies to be followed by the University ;

(d) to take decision about the voluntary liquidation of the University.

(4) The Governing Body shall meet at least twice in a calendar year.

Board of Management.

21. (1) The Board of Management shall consist of the following members, nemely :-

(a) Vice-chancellor ;

(b) One representative to be nominated by the State Government ;

(c) Two representatives to be nominated by the Sponsoring body ;

(d) Senior most Professor of the University.

(2) The Vice-chancellor shall be the Chairman of the Board of Management

(3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

Academic Council.

22. (1) The Academic Council shall consist of the Vice-Chancellor and such number of other members as may be prescribed by the Statutes.

(2) The Vice-chancellor shall be the Chairman of the Academic Council.

(3) The Academic Council shall be the Principal Academic Body of the University and shall, subject to the provisions of this Adhiniyam, Rules Statutes and Ordinances, Co-ordinate and exercise general supervision over the academic policies of the University.

Other Authorities.

23. (1) The constitution, powers and functions of other authorities of the university shall be such as may be prescribed by the Statutes.

Powers of State Government to inspect University.

24. (1) For the purpose of ascertaining the standards of teaching, examination and research or any other matter relating the University State Government may after consultation with Vice-chancellor cause an assessment to be made in such a manner as may be prescribed by such person or persons as it may deem fit.

(2) The State Government shall communicate to the University its recommendations in regard to the result of such assessment for corrective action.

(3) If in the opinion of the State Government, the action taken or proposed to be taken under sub-section (2) by the University is not to its satisfaction, the same may further be communicated to the Vice-chancellor who shall carry out the recommendation within a reasonable time failing which the State Government may take any action as it deems fit.

First Statutes.

25. (1) Subject to the provisions of this Adhiniyam and the rules, the First Statutes of the University may provide for all or any of following matters,

namely :-

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time ;
(b) the terms and conditions of appointment of the Vice-chancellor and his powers and functions ;
(c) the terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer and their powers and functions ;
(d) the terms and conditions of appointment of other officers and members of the Faculty and their powers and functions ;
(e) the terms and conditions of service of employees of the University;
(f) the procedure for arbitration in case of disputes between officers, members of the Faculty, employees and students ;
(g) the conferment of honorary degrees ;
(h) provision regarding exemption from tuition fee and awarding scholarships;
(i) provision regarding the policy of admission including regula tion of reservation of seats ;
(j) provision regarding fees to be charged from students ;
(k) provision regarding number of seats in different syllabus ;

Provided that the University shall not make any statute relating to charging of donation or capitation fee from the students without the prior approval of the State Govt.

(2) The first Statutes of the University shall be made by the Governing Body and shall be submitted to the State Government for approval.

(3) The State Government shall consider the First Statutes submitted by the University within two months from the date of its receipt and shall give its approval with such modifications as it may deem necessary.

(4) The University shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to the modifications made by the State Government under sub-section (3), it may give the reasons therefore and the State Government may or may not accept the suggestions made by the University.

(5) The State Government shall publish the First Statutes as finally approved by it in the official gazette and thereafter such statutes shall come into force.

Subsequent Statutes.

26. (1) Subject to the provisions of this Adhiniyam and the rules, the Statutes of the University may provide for all or any of the following matters, namely :-

(a) creation of new authorities of the university ;
(b) accounting policy and financial procedure ;
(c) election of teachers for giving representation in the authorities ;
(d) creation of new departments and abolition or restructure of

existing departments ;

(e) institution of fellowships, scholarship, stipends, exemption of fees, medals and prizes;

(f) creation of posts and procedure for abolition;

(g) revision of fees ;

(h) alteration of the number of seats in different syllabus ;

(i) all other matters not prescribed by rules which are to be prescribed by the statutes.

(2) The Statutes of the University other than the first Statutes shall be made by the Board of Management with the approval of the governing body.

(3) The Statutes made under sub-section (2) shall be sent to the State Government and the State Government may, if it considers necessary, give suggestions for modifications in it within two months from the date of receipt of the Statutes ;

(4) The Government Body shall consider the modifications suggested by the State Government and return the Statutes to the State Government with its comments on the suggestions.

(5) The State Government shall consider the suggestions made by the Governing body and the Statutes as finally approved by the State Government shall be published in the gazette and on such publication the Statutes shall come into force.

Ordinances.

27. (1) Subject to the provisions of this Adhiniyam, Rules and Statutes. the Ordinances may provide for all or any of the following matters, namely :-

(a) the admission of students to the University and their enrolment as such ;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University.

(c) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same ;

(d) the conditions for award of fellowships, scholarships, stipends, medals and prizes ;

(e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiers and moderators ;

(f) fees to be charged for the various courses examinations, degrees and diploma of the University ;

(g) the condition of residence of the students of the University ;

(h) provision regarding disciplinary action against the students ;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University ;

(j) the manner of co-operation and collaboration with other unversities and institutions of higher education ;

(k) all other matters which by this Adhiniyam, Rules or Statutes are

required to be provided by the Ordinances.

(2) The First Ordinances of the University shall be made by the Vice-chancellor which shall be submitted to the State Government for approval.

(3) The State Government shall consider the First Ordinances submit ted by the Vice-chancellor under sub-section (2) within two months from the date of its receipt and shall either approve it or give sugges tions for modifications.

(4) The Vice-chancellor shall give his comments on the suggestions made by the State Government and shall return the First Ordinances to the State Government and on receipt of the same the State Government shall either approve the comments of the Vice-chancellor or disapprove the same and on the basis of its final decision the Ordinances as approved shall be notified in the Gazette and on such publication the ordinances shall come into force.

28. (1) All ordinances other than the First Ordinances shall be mede by the Academic Council with the approval of the Board of Management. Subsequent Ordinances.

(2) The State Government shall publish all Ordinances made under sub-section (1) in the Gazette and on such publication the Ordinances shall come into force.

29. (1) The Annual report of the University shall be prepared by the Board of Management which shall include among other matters, the steps taken by the University towards the fulfilment of its objects and shall be approved by the Governing Body and a copy of the same shall be sent to the visitor. Annual Report.

(2) A copy of the annual report prepared under sub-section (1) shall be presented to the State Government.

30. (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Board of Management and the annual accounts shall be audited at least once every year by the Auditors appointed by the University for this purpose. Annual Accounts.

(2) A copy of the annual accounts together with the audit report shall be submitted to the Governing Body.

(3) A copy of the annual accounts, audit report along with the observations of the Governing Body shall be submitted to the Visitor and the State Government.

(4) The direction of the State Government on the subject arising out of the accounts and audit report of the University shall be binding on the University.

31. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution thereof. Vacancies not to invalidate proceedings of any authroity of University.

32. A copy of any receipt, application, notice, order, proceeding, resolu- Mode of proof of University record.

tion, of any authority or Committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Management of University on dissolution of sponsoring body.

33. (1) If the sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution or incorporation it shall give at least six months priar notice to the State Government.

(2) The State Government shall, on receipt of such notice make such arrangements as may be prescribed, for the administration of the University from the date of dissolution of the sponsoring body till the completion of syllabus by the last batch of students admitted to the University or may also cause the functioning of the University to continue by appointing an administrator in place of the sponsoring body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body as prescribed under this Adhiniyam.

(3) On appointment of an Administrator under sub-section (2) the Chancellor may after affording the opportunity of being heard remove the Vice-chancellor and may appoint such person as Vice-chancellor as he deems fit.

Special Powers of the State Govt. in certain circumstances.

34. (1) If it appears to the State Government that any of the directions issued by it to the University under this Adhiniyam has been violated or a situation of financial mismanagement and maladministration has arisen in the university, it shall issue notice requiring the University to show cause within forty five days as to;

(a) Why an order of its liquidation should not be made ;

(b) Why the board of management should not be suspended and an administrator be appointed under sub-section (7).

(2) If the State Government considers it necessary to suspend the Board of Management for the proper investigation, it shall, by notification published in the Gazatte, order suspension of the Board of Management and shall make such arraugments in consultation with the sponsoring body for the administration of the business of the University till the complection of investigation as it may consider necessary.

(3) If the State Government, on receipt of reply of University in respect of notice issued under sub-section (1), is satisfied that there is a prima-facie case of financial mismanagement, maladministration or violation of any of the provisions of this Adhiniyam or directions issued thereunder it shall make an order of such enquiry as it may consider necessary.

(4) The State Government shall, for the purposes of any enquiry under sub-

section (3), appoint an officer or authority to enquire into any of the allegations and to make report thereon.

(5) The enquiring authority appointed under sub-section (4) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (No. 40 of 1908) while trying a suit in respect of the following matters namely :-

(a) Summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any such document or any other material as may be predicable in evidence ;

(c) requisitioning any public record from any court or office ;

(d) any other matter which may be prescribed ;

(6) Every enquiring authority enquiring under this Adhiniyam shall be deemed to be a civil court for the purposes of Section 195and Chapter 26 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) ;

(7) If the State Government on receipt of the enquiry report is satisfied that owing to financial mismanagement and maladministration a situation has arisen where by the financial stability or administration of the University has become insecure, it shall, by notification in the official Gazatte, order liquidation of the University or may cause the functioning of the University to continue by appointing an Administrator who shall have the powers vested in the Governing Body ;

(8) While issuing notification in respect of liquidation under sub-section (7), the State Government, shall, till the end of its current course, make arrangement for the administration of business of the University.

(9) The State Government during the period of management of University under sub-section (8) shall use the funds available with the University and the surplus, if any, shall be forfeited for itself.

(10) Every notification issued under sub-section (7) shall be laid on the table of the Legislative Assembly.

35. The State Government shall have the following powers, namely :- Power of State Government.

(a) to issue directions to do anything as is required to be done or rectify any violation by the University under this Adhiniyam, Rules, Statutes or any other provisions of Ordinances made thereunder ;

(b) to adjudicate disputes between the University or any other special ist body under this Adhiniyam and issue directions to comply with the decisions in respect of such disputes ;

(c) to pass order of dissolution of board of management or appoint administrator under section 34 ;

(d) to pass order under section 35 ;

(e) to make order to frame Statutes in respect of specific matters under this Adhiniyam.

36. (1) The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Adhiniyam. Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) the manner of making proposal to establish University and the fees payable under sub-section (1) of section 4;

(b) other particulars to be contained in the Project Report under sub-section (2) of section 4 ;

(c) other matters to be provided for in the Statutes under sub-section (1) of section 25 ;

(d) arrangements to be made for the administration of the University on the dissolution of the Sponsoring Body under sub-section (2) of section 33;

(e) matters to be prescribed under clause (d) of sub-section (5) of section 34.

Regulations.

37. (1) The Authorities of the University constituted by or under this Adhiniyam may make regulations subject to the provisions of this Adhiniyam, the statutes and the ordinances of the University.

(2) The Board of management may modify or annual any regulations made under this section by any authority :

Provided that any authority which is not satisfied with any modification or annulment may appeal to the Governing Body whose decision in this matters shall be final.

Laying of Rules, Statutes and Ordinances.

38. Every Rule, Statute, or Ordinances made under this Adhiniyam shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly.

Power to remove difficulties.

39. (1) If any difficulty arises in giving effect to the provisions of this Adhiniyam, the State Government may, by order published in the Gazette, make provision, not inconsistent with the provisions of this Adhiniyam as appear to it to be necessary or expedient for removing the difficulty :

(2) Every order made under this section shall as soon as may be after it is made be laid on the table of the Legislative Assembly.

STATEMENT OF OBJECTS AND REASONS

The avenues of higher education & advanced knowledge are limited in the State. Public financial constraints come in the way of investments by the State in creating adequate higher educational infrastructure. The State Policy provides for attracting private investments in setting up institutions of higher education and research. By providing adequate incentives to such private investors, the organizations of national and international repute can be attracted to invest in setting up Unversities for which no financial support is required from the State Government.

2. Specific or enabling legislation is required for establishment of such Universities. A common set of guidelines will be require in the establishment of such Universities by ensuring educational standard and by preventing commercialization. It is felt expedient to have an enabling legislation to provide for establishment and functioning of self financed private Universities and for matters regulating them.

3. Hence this Vidheyak.

Member -in-charge.

RAIPUR, Dated the 2001.

नियंत्रक मुद्रण तथा लेखन सामग्री छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय में मुद्रित तथा प्रकाशित–2002

CHHATTISGARH ACT
(No. 4 of 2004)

THE CHHATTISGARH NIJI KSHETRA VISHWAVIDYALAYA (STHAPANA AUR VINIYAMAN) SANSODHAN ADHINIYAM, 2004

An Act to amend Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam 2002 (No. 2 of 2002)

Be it enacted by the Chhattisgarh Legislature in the Fifty-Fifth year of the Republic of India, as follows :-

Short title extent and commencement

1 (1) This Act may be called the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Sansodhan Act, 2004.

(2) It extends to the whole State of Chhattisgarh

(3) It shall come into force from the date of its publication in the Gazette.

Definition

2 In this Act, unless the context otherwise requires:-

" Principal Adhiniyam " , means the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002.) (No.2 of 2002)

Amendment of Section 2

3. In Section 2 of the Principal Adhiniyam ; after clause (d), the following clause shall be inserted ;namely :-

(e) " main campus " means the campus of the university where main office of the university is situated and where the Vice-chancellor and Registrar reside and where not less than three University Teaching Departments / Schools of studies are located.

(f) " off-campus centre " means a centre of the university established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff.

(g) "off-shore campus " means a campus of the university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff.

(h) "study centre " means a centre established and maintained or recognized by the university for the purpose of advising, counselling or for rendering any other assistance required by the students in the context of distance education.

(i) "fee" means collection made by the university from the students by whatever name it may be called, which is not refundable.

(j) "Regulatory Commission " means the Regulatory Commission established under the Adhiniyam. "

Amendment of Section 3.

4. For Sub-sections (10) and (11) of Section 3 of the Principal Adhiniyam, the following Sub-sections shall be substituted; namely :-

" (10) To ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by AICTE, NCTE, UGC, MCI, Pharmacy Council, and such agency/agencies established by the Central Government for regulation of education and the Regulatory Commission ;and

(11) To pursue any other objective as may be approved by the Regulatory Commission "

Amendment of Section 4.

5. For Sub-section (1) of Section 4 of the Principal Adhiniyam, the following Sub-sections shall be substituted ; namely :-

" (1) (a) An application containing the Project Report to establish a university for carrying out any or all the objectives enumerated in Section 3 of the Adhiniyam shall be made to the Regulatory Commission by Sponsoring Body alongwith fee and such form as may be prescribed, at least one year before the date from which it intends to start the university.

(b) The Sponsoring Body shall submit alongwith its application as per (a) above,

(i) Proof of having established an Endowment Fund of Rs.2 crore;

(ii) Proof of being in possession of 15 acres of land, in case the main campus is proposed to be established within the Municipal Corporation Limits of Raipur; or 25 acres of land in case the main campus is proposed to be established elsewhere in the State and in addition, if the land has been obtained on lease, the period of lease should be at least 30 years. In case, the Sponsoring Body does not posses the required land, it shall furnish proof of having deposited an additional sum of Rs. 2 crore in the manner prescribed. Withdrawls out of this additional fund shall be permitted by the Regulatory Commission for the purchase of land for the use of the University.

Provided that where the main campus of the University is proposed to be established in a Scheduled Area of the State, only fifty percent of the amounts in (i) and (ii) above need to be deposited.

(c) The Edowment Fund shall be used as security deposit to ensure that the University complies with the provisions of

the Adhiniyam and functions as per the provision of the Adhiniyam, the Statutes and the Act. The Regulatory Commission shall have the power to forfeit a part or whole of the Endowment Fund, in case of non-compliance in the manner as may be prescribed.

(d) The Endowment Fund shall be invested in the manner as may be prescribed.

(e) The Sponsoring Body shall be permitted to use Income from the Endowment Fund for the development of the University.

(1-A) A University already established in the State under the provisions of the Adhiniyam, shall comply with the provisions of clauses (b) to (e) of Sub-section (1) of Section 4 above by 30th June 2004, or else the Notification issued by the Government under Sub-section (1) of Secton 5 of the Adhiniyam shall be liable to be cancelled on the recommendations of the Regulatory Commission. In the event of such de-notification of the University, completion of courses, conduct of examinations, award of the degrees to the students of the University may be assigned to another University in such a manner that the interests of the students are not affected. Expenditure made in this behalf shall be made good from the General Fund of the University concerned."

6. For clause (j) of Sub-section (2) of section 4 of the Principal Adhiniyam , the following clause (j) shall be substituted; namely :-

" (j) the details of expenditure on unit cost, the extent of concessions or rebates in fee, free studentship and scholarship for students belonging to economically weaker sections and the fees structure indicating varying rate of fee, if any, that would be levied on non-resident Indians and students of other nationalities "

7. For Sub-section (3) of Section 4 of the Principal Adhiniyam , the following Sub-section shall be substituted; namely :-

" (3) The Regulatory Commission on receipt of the application, Project Report, proof of creation of Endowment Fund and of possession of land to be used exclusively for running the University or in lieu thereof proof of deposit of additional fund as per the provisions of Sub-section (1) above, shall make such enquiries as it may deem necessary within 45 days from the date of application ."

8. For Sub-section (4) of Section 4 of the Principal Adhiniyam, the following shall be substituted ; namely :-

(4) If the Regulatory Commission is satisfied with the proposal to establish the University, it may advise the State Government to issue a notification."

Amendment of Section 5.

9. For Sub-section (1) of Section 5 of the Principal Adhiniyam, the following shall be substituted ; namely :-

" (1) (a) The State Government on receipt of the advice of the Regulatory Commission under Sub-section (4) of Section 4 of the Adhiniyam, may declare, by notification in official gazette, that the university is established by such name and with such jurisdiction and location of main campus, from such date as may be mentioned in the notification.

(b) All such notifications issued under Sub-section (1) of Section 5 of the Adhiniyam prior to coming into force of the the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Sansodhan Adhiniyam, 2004, shall be included as Schedule - I of the Adhiniyam and hereafter, notification issued regarding establishment of a University under the provisions of this Adhiniyam, shall form part of the said Schedule - I in chronological order.

(c) All the provisions of the Adhiniyam shall apply to Universities included in Schedule - I

Amendment of Section 6

10. After Sub-section (2) of Section 6 of the Principal Adhiniyam the following shall be substituted; namely :-

" (2) On its notification under Sub-section (1) of Section 5, the University shall establish its main campus in the State of Chhattisgarh on the land referred to in Sub-section (1) of Section 4 and for that purpose shall create a built up area of at least 25,000 Sq.ft. in the form of buildings and ancillary structures within a period of 2 years from the date of such notification. In the case of Universities which have already been notified before this Sansodhan Adhiniyam, the period of 2 years shall be reckoned from the date of coming in force of this Sansodhan Adhiniyam.

(3) All disputes arising as a result of the provisions made in this Adhiniyam shall be settled by a court of law located in the State of Chhattisgarh."

Amendment of Section 7

11. After clause (e) of Section 7 of the Principal Adhiniyam , the following proviso shall be inserted; namely:-

" Provided that one percent of the fees collected from students enrolled in the main campus/off-campus centre or study centre located in the State of Chhattisgarh; two percent of fees collected from students enrolled in off-campus centre or study centre, off-shore campus located outside the State of Chhattisgarh; under (a) above, shall be deposited with the Regulatory Commission within 15 days of the month next to the month in which such fees are received. The Regulatory Commission shall credit this amount to the Consolidated Fund of the State alongwith the interest, if any, earned on this deposit, as far as possible within 60 days.

In case of failure of the University, to so deposit the fees with the Regulatory Commission, the Regulatory Commission may charge a penal interest at the rate of 1.5 % on the defaulted amount for every 30 days of delay.

Amendment of Section 10.

12. For Section 10 of the Principal Act, the following Section shall be substituted, namely :-

"10 Land of the University shall not be used for any purpose other than for running of the University."

Amendment of Section 24.

13. For Section 24 of the Principal Adhiniyam, the following shall be substituted, namely :-

Setting up of a Regulatory Commission

24(1) There shall be a Regulatory Commission for the purpose of ensuring appropriate standards of teaching, examinations, research, protection of the interest of the students and ensuring reasonable service conditions of employees while the University has full freedom to function.

(2) The Regulatory Commission shall function under the general control of the Visitor.

(3) The Regulatory Commission shall consist of a Chairman, two full-time and not exceeding two part-time members to be appointed by the Visitor.

(4) The Chairman shall be appointed by the Visitor from a panel recommended by the State Government consisting of eminent educationists who have a thorough knowledge of the working of the institutions of higher education.

(5) The members shall be appointed by the Visitor from a panel recommended by the State Government consisting of persons of repute in the field of education, finance, law, administration/ management, etc.

(6) The chairman and the members shall not be connected in any way with any of the universities established under the Adhiniyam.

(7) All orders and decisions of the Regulatory Commission and all instruments issued by the Commission shall be authenticated by signature of the Chairman.

(8) Terms and conditions of services of Chairman and the members, procedure for meetings of the Commission, recruitment and service conditions of the staff of the Commission, temporary association of persons with the Commission for particular purposes, funds of the Commission, its budget, annual report, account, audit and such other matter as may be required for proper functioning of the Commission shall be provided in the rules made by the State Government in this regard.

(9) It shall be the general duty of the Regulatory Commission :-

(a) To take, in consultation with the Universities and/ or other bodies concerned with regulatory function of the higher education system in the country such as the UGC, AICTE and NCTE, MCI, Pharmacy Council, and such agency/agencies established by the Central Government for regulation of education, all such steps, as it considers necessary for determination and maintenance of standards of teaching, examination and research in the universities;

(b) To ensure that universities have the freedom to make rules for admissions, subject to reservation policy of the Government in State of Chhattisgarh with regard to admissions of students belonging to Scheduled Tribes, Scheduled Castes and other weaker Sections of Society, decide course contents, method of teaching and the evaluation of students and matters connected thereto;

(c) To ensure that universities are allowed to collect such fees and other charges which cover the cost of education imparted by them and also give a reasonable surplus to enable them to maintain assets and carry out further expansion;

(d) To ensure that the teaching staff of the university has at least the minimum educational qualifications and get due emoluments looking to their qualifications;

(e) To ensure that the staff of the university is appointed by a written contract which shall be kept with the university and a copy of which shall be furnished to the employee concerned;

(f) To ensure that students enrolled in the university are not cheated or exploited and unscrupulous means are not adopted to collect fees from them;

(g) To take action pertaining to the liquidation of a university. This will include completion of courses, conduct of examinations, award of degrees, etc. either by undertaking job itself or by assigning the job to some other university in such a manner that the interest of the students are not adversely affected in any way. Expenditure made for these arrangements for the students alongwith the process of liquidation of the university shall be made good from the money deposited in the Endowment Fund and/ or General Fund;

(h) To regulate in consultation with the concerned university, the study centres already established in different places in India and other countries on the date of coming into force of the Sansodhan Adhiniyam and to permit opening of off-campus centres, off-shore campus and study centres in consultation with the concerned University ;

(10) The State Government may issue directions on matters of policy to the Regulatory Commission.

(11) Notwithstanding the provisions of this Adhiniyam, the State Government in the Education Department shall function as the Regulatory Commission till the Commission is constituted as per provision of this Adhiniyam or in case it has become non-functional for whatever reasons.

Amendment of Section 25, 26,27 and 30

[illegible] In Sub-section [illegible] Sub-section [illegible] of Section 25, Sub-section (3) and (4) of Section 26, Sub-section (2) and Sub-section (3) of Section 27 and Sub-section (3) and (4) of Section 30 of the Principal Adhiniyam, for the words " State Government " wherever they occur, the words " Regulatory Commission " shall be substituted

15. For Sub-section (5) of Section 25 of the Principal Adhiniyam; the following shall be substituted; namely :-

" (5) The State Government shall publish the first Statute as approved by the Regulatory Commission in the official gazette and thereafter such Statute shall come into force ".

16. For Sub-section 26(5) of the Principal Adhiniyam, the following shall be substituted; namely :-

" (5) The Regulatory Commission shall consider the suggestions made by the Governing Body and the Statutes, as finally approved by the Regulatory Commission, shall be published by the State Government in the gazette and on such publication, the Statute shall come into force".

17. For Sub-section (4) of Section 27 of the Principal Adhiniyam, the following shall be substituted; namely :-

" The Vice-Chancellor shall give his comments on the suggestions made by the Regulatory Commission and shall return the first Ordinance to the Commission and on receipt of the same, the Commission shall either approve the comments of the Vice-Chancellor or disapprove the same and on the basis of the final decision, the Ordinance as approved by the Regulatory Commission shall be notified by the State Government in the gazette and on such publication, the Ordinance shall come into force ".

Amendment of Section 28

18. For Sub-section (2) of Section 28 of the Principal Adhiniyam, the following shall be substituted; namely :-

" The State Government after approval of the Ordinances by the Regulatory Commission, shall publish all Ordinances made under Sub-section (1) in the gazette and on such publication, the Ordinance shall come into force "

For amendment of Section 29

19. For Sub-section (2) of Section 29 of the Principal Adhiniyam, the following shall be substituted; namely :-

" A copy of the Annual Report prepared under Sub-section (1) shall be presented to the Regulatory Commission "

Amendment of Section 33

20. For Section 33 of the Principal Adhiniyam, the following Section shall be substituted; namely :-

33(1) If the Sponsoring Body proposes to dissolve itself or wants to discontinue the functioning of

the University established under the Adhiniyam, it shall inform the Regulatory Commission of a plan by which it shall ensure completion of courses and conduct of examinations and it shall announce the prospective date from which it shall not admit any new students.

(2) The Regulatory Commission on receipt of such information shall have the right to issue such directions to the Sponsoring Body for the fulfillment of its obligations under sub-section (1) as it may deem necessary. If the Sponsoring Body contravenes the provisions of sub-section (1), the Endowment Fund shall be forfeited by Regulatory Commission and the Commission shall make arrangements for completion of courses, conduct of examinations, award of degrees, etc. of students of the university either by undertaking the job itself or by assigning the job to some other university in such manner that the interest of the students are not affected adversely in any manner. Expenditure made for these arrangements for the students shall be made good from the money deposited in the endowment fund and / or General Fund of the university "

21. For Section 34 of the Principal Adhiniyam, the following Section shall be substituted; namely :-

Amendment of Section 34.

" 34(1) If it appears to the Regulatory Commission that any of the directions issued by it to the

university under the Adhiniyam has been violated or a situation of financial mismanagement and mal administration has arisen in the university, it shall issue notice requiring the university to show cause within 45 days as to why the notification in respect of such University under Sub-section (1) of Section 5 may not be cancelled.

(2) If the Regulatory Commission on receipt of the reply of the university is satisfied that there is a prima facie case of mismanagement, mal administration or violation of any of the provisions of the Adhiniyam or directions issued thereunder, it shall recommend to the State Government for cancellation of its notification under Sub-section(1) of Section 5 in respect of the University.

(3) While canceling such a notification in respect of liquidation under sub-section (2), the State Government may direct the Regulatory Commission to assume the administration of the University till the end of current courses.

(4) The Regulatory Commission during the period of management of the university under sub-section (3) shall use the funds available with the university and the surplus, if any, shall be forfeited ".

Amendment of Sections 35

22. Section 35 of the Principal Adhiniyam shall be omitted

Amendment of Sections 36

23. For clause (d) and (e) of Sub-section (2) of Section 36 of the Principal Adhiniyam, the following shall be substituted, namely :-

" (d) Deposit of additional fund under Sub-section 4(1) (b)(ii).

(e) The manner of forfeiture of Endowment Fund by the Regulatory Commission under Sub-section 4(1)(c).

(f) The manner of investment of sum meant for Endowment Fund under Sub-section 4(1)(d).

(g) The manner of payment to and use of income by the Sponsoring Body from Endowment Fund under Sub-section 4(1)(e).

(h) Mode of depositing part of the fee in the Consolidated Fund under Section 7 (e)

(i) Terms and conditions of services of Chairman and the members, procedure for meetings of the Commission, provision of staff to the Commission and their service condition, temporary association of persons with the Commission for particular purposes, funds of the Commission, its budget, annual report, accounts and audit and such other matters as may be required for proper functioning of the Commission under Sub-section 3 of Section 24 "

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2004.